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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,384	04/13/2000	SIMON A HOVELL	36-1319	7056

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EXAMINER

STORM, DONALD L

ART UNIT PAPER NUMBER

2654

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/529,384

Applicant(s)

HOVELL ET AL.

Examiner

Donald L. Storm

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-26.Claim(s) withdrawn from consideration: none.

8. ☒ The drawing correction filed on 23 June 2004 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


RICHMOND DORVIL
SUPERVISORY PATENT EXAMINER

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Continuation of 5. does NOT place the application in condition for allowance because:

The Applicant contends that Klovstad does not describe every aspect of claim 1 (and of claim 15 and of claim 16) because:

- a. Klovstad appears to disclose that models in the form of acoustic kernels can comprise n states as n identical nodes. This argument is not persuasive because the Applicant, not Klovstad, relates these nodes to states of the kernels. Klovstad relates the nodes of the dynamic programming graph to states. The nodes to which the Applicant refers correspond to $n=160$ samples (column 15 and column 2) that make up an acoustic kernel of duration equal to 1 frame of 10 milliseconds. After the feature vectors are calculated for a frame, Klovstad makes no other calculations at each sample time. The calculations shown in column 16, for example, are made at each frame time, and are made for the nodes of the dynamic programming graph. At column 10, the nodes of the DP graph correspond to states of the system at time intervals.
- b. Klovstad's kernels are not states, because they are acoustic models. This argument is not persuasive because Klovstad's kernel is a "model" of an acoustic occurrence at 1 frame time. In the citation given by the Applicant, Klovstad calls a kernel an acoustic template (with duration information). It takes a sequence of kernels to model a phoneme, a word, or another linguistic unit. Klovstad's word model graph (column 15, line 31) can be represented as a finite state sequence (column 14) and/or as the DP graph of Fig. 10.
- c. Klovstad does not deactivate nodes within an acoustic kernel. This argument is not persuasive because the Applicant, not Klovstad, relates nodes at sample times to states of the kernels. Klovstad (column 10) relates the nodes of the DP graph correspond to states of the system at time intervals. These nodes, Klovstad does deactivate. Klovstad's "word is deactivated" at a current frame time by deactivating the kernel on the path through the utterance lattice (Fig. 10) at that frame time (state level pruning), without regard to whether the frame corresponds to the end of a word.
- d. Klovstad does not delete individual model states. This argument is not persuasive because deactivating a word model occurs by deactivating individual kernels of the word model (see abstract and column 16, lines 64-65). The kernel corresponds to nodes, which Klovstad relates to states of the system (column 10).

Continuation of 10. Other:

On appeal, the amendment will be entered and claims 1-26 would be rejected under 35 U.S.C. 102 and 103 using the references and using the rationale of the final Office Action mailed February 23, 2004.

The proposed substitute drawing (Fig. 9) is substantively acceptable to the Examiner. The amended claim 26 is substantively acceptable to the Examiner. As the AMENDMENT/RESPONSE filed June 23, 2004 has not been entered, none of these changes have been made in the disclosure. Upon entry of the amendment, the grounds for objection to the drawings and the grounds for objection to claim 26 will be removed.